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Chair: Ms. Mejía Vélez (Colombia)

Contents

Agenda item 68: Promotion and protection of human rights (*continued*)

- (a) Implementation of human rights instruments (*continued*)
- (d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

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The meeting was called to order at 3.05 p.m.

Agenda item 68: Promotion and protection of human rights (*continued*) (A/71/40)

(a) Implementation of human rights instruments

(*continued*) (A/71/44, A/71/48, A/71/118, A/71/268, A/71/270, A/71/272, A/71/289, A/71/298 and A/71/341)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/71/36)

1. **Mr. Sadi** (Chair, Committee on Economic, Social and Cultural Rights), presenting an oral report on the work of the Committee on Economic, Social and Cultural Rights, said that in the 50 years since their adoption, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights had made a great difference; however, much remained to be done to make the two Covenants' complementarity more visible.

2. In accordance with General Assembly resolution 68/268, the Committee had held three sessions in 2016, and had devoted most of its time to consideration of 17 reports from States parties to the International Covenant on Economic, Social and Cultural Rights. Although that meant that the Committee no longer had a backlog of reports, the decision to shift from three to two meetings per report had caused considerable hardship and had compromised dialogue. The principal problem currently facing the Committee was that 30 States were simply not submitting reports. The non-reporting States either did not have the time or were not interested; the Committee was contemplating how to make them comply with their obligations. It sent reminders to those States and was working to build national capacity through the new capacity-building programme established pursuant to General Assembly resolution 68/268. Reporting was a heavy burden and practically all States had reporting obligations to other treaty bodies over and above their commitments to the Human Rights Council; States' obligations would be streamlined if some of the treaty bodies, the work of which overlapped, were combined. Treaty bodies had a vested interest in maintaining their independence, and combining them would necessitate amending the Covenants. However, even if it was not

feasible to have only a single treaty body, having three or four was viable and would be preferable to the current 10.

3. With regard to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Committee had considered six communications during the past year. Its ongoing work on communications would contribute to its jurisprudence and assist it in clarifying the obligations emanating from the Covenant. Despite work by the Group of Friends of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to promote its ratification, progress remained slow. At its fifty-ninth session, the Committee had adopted guidance on third-party interventions, which would regulate the interventions of individuals and entities who wished to file an amicus brief in an individual communication procedure and ensure that the Committee's practice on the matter was consistent and transparent.

4. The Committee had adopted two general comments and two statements in 2016: general comment No. 22 on the right to sexual and reproductive health and general comment No. 23 on the right to just and favourable conditions of work, and statements on public debt, austerity measures and the International Covenant on Economic, Social and Cultural Rights, and human rights defenders and economic, social and cultural rights.

5. The Committee had taken on board the Sustainable Development Goals and their related targets and indicators; specifically, it had established standard language for its concluding observations which referred to the Goals and targets. It was extremely important for all States to consider their obligations under the Covenant when developing national action plans and other initiatives to achieve the Goals.

6. The additional meeting time granted under the treaty body strengthening process had been helpful. However, for the strengthening process to be meaningful, the resources allocated to the secretariat must be commensurate with its increased workload. In other words, treaty bodies needed more time: two meetings instead of three saved time, but at the cost of quality.

7. **Ms. Duda-Plonka** (Poland) said that the opinions expressed by the Committee during its September 2016 review of her country's compliance with the Covenant would guide her Government's further action. Her delegation stressed the need to ensure basic standards of living and of work in all parts of the world; the role of civil society and non-governmental organizations was crucial in that regard.

8. She asked how the examination of the economic, social and cultural rights situation could be strengthened, and what further actions and initiatives could be envisaged to assist Member States in their efforts to meet the Sustainable Development Goals. Lastly, she asked what plans there were for the preparation of general comments in the coming years.

9. **Mr. Forax** (Observer for the European Union) said that, in addition to persistent non-reporting by States parties undermining the Covenant, extremely late submission of periodic reports was a concern. He asked what lessons had been learned in the initial stages of implementing the simplified reporting procedure. The Committee on Economic, Social and Cultural Rights and the other treaty bodies should adopt a coherent approach with regard to the simplified reporting procedure, which should include the other treaty bodies offering States that systematically complied with their reporting obligations the chance to make use of that procedure. His delegation was concerned about the shrinking space for civil society, and particularly the situation of defenders of economic, social and cultural rights. He asked what obstacles human rights defenders faced when monitoring States' compliance with the Covenant and engaging with the Committee. Lastly, he reiterated his delegation's call for universal ratification of the Covenant and its Optional Protocol and asked what steps would be taken to promote ratification.

10. **Mr. Sadi** (Chair, Committee on Economic, Social and Cultural Rights) said that the Committee was contemplating several general comments: on business responsibilities and the observance of human rights, on land rights and on the environment, to list a few ideas. The Committee believed that the Covenant required fleshing out; it therefore took a broad approach with regard to the issuance of general comments.

11. With regard to examination of the human rights situation, the Covenant referred to the progressive

realisation of human rights; consequently many countries took that responsibility lightly. However, as it had developed its jurisprudence, the Committee had concluded that the Covenant actually included core obligations which were of immediate effect, such as the obligation to end discrimination. No country could legitimately say that it could not afford to end discrimination. Gender equality was another core obligation; it was not contingent on a certain budget. When the Universal Declaration of Human Rights had been adopted, the idea had been to have a single covenant, but the Cold War had caused a split. The Western approach had been that civil and political rights were of immediate effect, whereas economic, social and cultural rights could be realized progressively; but that approach was misguided and should be abandoned.

12. As to the reporting procedure, he said that its complexity was not the real problem. Countries were failing to perform well not because of capacity problems or because they did not understand the procedure, but because of a lack of interest. Under the existing reporting cycle the Committee heard from each country only once every 10 or 15 years, which made it impossible to maintain a serious dialogue. Rather than a simpler procedure, a follow-up procedure was needed, in order to maintain the momentum of dialogue.

13. With regard to increasing ratification of the Covenant, which had 164 States parties, the biggest problem was that the United States of America had still not ratified it. As a major Power, the United States would spur increased ratification by taking that step.

14. **Ms. Redinha** (Portugal), speaking on behalf of Uruguay and of her own delegation in their capacity as co-chairs of the Group of Friends of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, said that since many human rights defenders were persecuted for their efforts, the Committee was to be commended for issuing its statement on human rights defenders and economic, social and cultural rights. She asked the Chair to share concrete ways in which States parties could use general comment No. 23 (2016) on the right to just and favourable conditions of work to improve the working conditions of groups of workers who might be excluded from the protection measures offered to nationals, such as irregular migrants and refugees.

15. Recalling that the Optional Protocol had entered into force in 2013, she asked how the individual communications procedure was helping to improve implementation of, and compliance with, the Covenant, and what obstacles there were to increased ratification. Lastly, she asked the Chair to elaborate on the most relevant issues the Committee had analysed so far. She called on all Member States to ratify both the Covenant and its Optional Protocol.

16. **Mr. Sadi** (Chair, Committee on Economic, Social and Cultural Rights) said that it had not been straightforward for the Committee to adopt the statement on human rights defenders because some member countries had been concerned about the extent to which their Governments would want to protect human rights defenders. The Committee had therefore taken a very careful approach to the topic.

17. Some States felt that general comments were an attempt by the Committee to legislate human rights principles that went beyond the Covenant. That accusation was perhaps inevitable: the Committee sought to interpret the Covenant and clarify its meaning in its general comments, which by definition entailed adding something that was not mentioned in the Covenant. Nevertheless, it was important that the Committee did not give the impression that it was trying to expand the Covenant's scope. Sometimes principles had to be sacrificed in the interest of expediency to have a general comment adopted. With regard to the application of general comment No. 23, there was broad agreement that States should promote labour rights, labour issues and social housing.

18. In order to increase ratification of the Optional Protocol, the Committee must convince States parties that the provisions of the Covenant were justiciable — meaning that they could constitute grounds for going to court. More States would opt to ratify the Optional Protocol if they were persuaded that individuals who could not obtain justice at the national level had the option of appealing to the Committee for legal redress.

19. **Mr. Clyne** (New Zealand) said that his delegation had tried, along with the delegations of Burkina Faso and Colombia, to integrate into a draft resolution some of the text of general comment No. 22, which constituted an important step towards guaranteeing the right to the highest standards of sexual and reproductive health and rights, but that certain Governments had

been fiercely opposed to the idea. He therefore asked the Chair to comment further on the gap between the excellent work of the Committee and the standards that States actually accepted or agreed on at the intergovernmental level. The gap was appreciable, for instance, with regard to women's rights, despite the diversity of the Committee's membership. While the members of the Committee were independent experts, representing only themselves and not their countries, he had nevertheless believed that general comment No. 22 reflected the full spectrum of views, and wondered how the gap between general comments and intergovernmentally agreed norms could be closed in the near future.

20. **Mr. Sadi** (Chair, Committee on Economic, Social and Cultural Rights) said that the problem with general comments was that countries seldom referred to them. Although the Committee regularly reminded States parties to take them into account, general comments did not figure highly in Government responses. On the specific issues of sexual and reproductive health, there were religious issues that affected States' acceptance of standards. Abortion was a contentious issue in Islamic countries, for instance, as a result of religious, as well as traditional, factors. Such issues as safe sexual relations, sex education, marital rape and gay and lesbian rights were hotly disputed matters in traditional societies. General comments were an instrument for change, but could not usher in change overnight. It was necessary to maintain friendly pressure. Lastly, a follow-up procedure was needed to demonstrate that adherence to the general comments need not conflict with traditional values or religions.

21. **Mr. Webson** (Antigua and Barbuda), speaking on behalf of the States members of the Caribbean Community (CARICOM), said that CARICOM attached a great deal of importance to capacity-building. While CARICOM member States had human rights reporting mechanisms in place, natural disasters and limited human and financial resources constrained their ability to submit national reports on time. CARICOM had benefited from previous capacity-building activities and would continue to call upon the Office of the United Nations High Commissioner for Human Rights (OHCHR) for technical assistance.

22. The pilot project to stream webcasts of meetings of human rights treaty bodies was important as it

enabled countries with budgetary constraints or without permanent representation in Geneva to follow the proceedings of interactive dialogues and have additional experts on hand. CARICOM was concerned that the pilot project could be discontinued in June 2017 if no budgetary allocations from the regular budget were made, which would have a negative impact on small States. In that connection, he underscored the need for the activities of OHCHR to receive dedicated financial resources from the regular budget.

23. Recalling General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, in which the Secretary-General was requested to report on proposals to enhance the engagement of all States parties in the dialogue with the treaty bodies, he expressed the hope that the issue would be addressed in the Secretary-General's next report on the status of the human rights treaty body system.

24. **Mr. Forax** (European Union), speaking also on behalf of the candidate countries Albania, Serbia and the former Yugoslav Republic of Macedonia, the stabilization and association process and potential candidate country Bosnia and Herzegovina, and Ukraine, said that it was disturbing that some Governments, in contravention of the Vienna Declaration and Programme of Action, were stifling the voices of human rights defenders, non-governmental organizations and journalists under the pretext of combating terrorism, violent extremism and separatism. That alarming state of affairs had made the European Union even more resolute in its support for the human rights treaty bodies. Noting the importance of ensuring the independence and integrity of the United Nations High Commissioner for Human Rights and his Office, which had a vital role to play in translating the work of the Human Rights Council into action on the ground, he stressed that the Office and other human rights mechanisms must be granted access to all parts of a State's territory.

25. The European Union was opposed to attempts to revise relations between the Human Rights Council and the Third Committee, including attempts to reopen Human Rights Council outcomes. Calling upon States to implement the recommendations of their universal periodic reviews, he welcomed the practice of submitting voluntary midterm reviews, encouraged civil

society to report on implementation, and said that the European Union stood ready to provide support through the exchange of best practices, technical assistance and capacity-building.

26. The European Union welcomed the appointment of several special procedures mandate holders, including the first Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. It was unacceptable that homosexuality was still punishable by law in certain countries and that people could be prosecuted because of their sexual orientation or gender identity. The European Union upheld the independence of mandate holders and supported their free and unhindered interaction with individuals and civil society organizations.

27. The European Union called for the effectiveness of the follow-up mechanisms to the Durban Declaration and Programme of Action to be enhanced. It would engage in all relevant forums of the United Nations to counter any attempts to roll back gender equality commitments, and recalled the necessity of combating all forms of violence against women and girls, including in situations of armed conflict. He urged all States to ratify the optional protocols to the Convention on the Rights of the Child.

28. **Mr. Taula** (New Zealand), speaking on behalf of Australia, Canada, Iceland, Liechtenstein, New Zealand, Norway and Switzerland, said that it was encouraging that the Sustainable Development Goals recognized and included persons with disabilities. Strengthened efforts were needed to collect and analyse data on how such persons were benefiting from the implementation of the 2030 Agenda on Sustainable Development. Persons with disabilities were disproportionately affected by humanitarian emergencies. The Sendai Framework for Disaster Risk Reduction 2015-2030, Human Rights Council resolution 31/L.8 on the rights of persons with disabilities in situations of risk and humanitarian emergencies and the Charter on Inclusion of Persons with Disabilities in Humanitarian Action sought to make humanitarian action inclusive to all and remove barriers to accessing relief, protection and recovery support by ensuring the participation of persons with disabilities and their representative organizations in the development and implementation of humanitarian programmes.

29. Women and girls with disabilities faced multiple and intersecting forms of discrimination, which could have a profound impact on their lives. International and national legal frameworks on disability issues did not take into account the particular issues that women faced, while gender equality laws and policies tended to be ability-blind. In that connection, he welcomed the adoption of General Comment No. 3 on article 6 of the Convention on the Rights of Persons with Disabilities, in particular the steps set out in paragraph 62.

30. He welcomed the Secretary-General's recommendations on the inclusion of, and accessibility for, persons with disabilities at the United Nations, but noted that additional resources were likely to be needed to make the United Nations fully accessible for all people, which should be a matter of priority. The United Nations needed to improve its understanding of disability issues, especially in relation to travel, personal assistance and the provision of sign language interpretation. Reports needed to be issued in accessible formats, and remote access to participation at United Nations Headquarters should be advanced as soon as possible.

31. **Mr. Sandoval Mendiola** (Mexico) called for the universal ratification of the Convention on the Rights of Persons with Disabilities as a matter of priority. It was disturbing that the most systematic human rights violations were being perpetrated by those who refused to engage in dialogue with human rights mechanisms; meanwhile, Governments with good intentions could be discouraged by a sometimes unwieldy system.

32. Mexico had a long-standing commitment to promoting human rights; it had strengthened the rule of law, boosted freedom of expression, extended protection for human rights defenders and supported the emergence of a vibrant and independent civil society. In addition, his Government was open to international scrutiny and had allowed more than 50 rapporteurs from the United Nations and the Organization of American States into the country over the previous 15 years.

33. Welcoming the report of the Secretary-General on the status of the human rights treaty body system (A/71/118), he said that in order for international human rights mechanisms to be credible they must be efficient and streamlined. In addition, it was important to build national capacity to ensure the timely submission of reports.

34. The New York Declaration for Refugees and Migrants and the proposed global compact for safe, orderly and regular migration represented a historic opportunity to reach a common understanding on how to address migration in a humanitarian manner, which was important given the current political climate of intolerance around the world.

35. **Ms. Thomas** (Cuba) said that Cuba was committed to working with all human rights treaty bodies that were non-discriminatory and universal in scope and in establishing a dialogue on the basis of mutual respect, sovereign equality and recognition of the right of each country to choose its own political system and institutions. General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system should not result in the creation of new mechanisms that extended the mandate of the treaty bodies. The treaty bodies were responsible for ensuring that States parties met their legal obligations under existing human rights instruments, not creating new obligations through general comments or follow-up procedures. They could not allow any manipulation or politicization of their work. There was a need for equitable and genuinely diverse geographic representation in the treaty bodies, to ensure that countries with different legal systems and regional, cultural, religious and political contexts were fairly represented and that those bodies were not dominated by representatives of the developed countries. In addition, it was important to ensure that the experts were independent and impartial.

36. With regard to the indication in the report of the United Nations High Commissioner for Human Rights (A/71/36) that the High Commissioner intended to pursue organizational changes in the Office, she asked the Office to provide as much information as possible about the proposed changes, given the impact they would have on relations with Member States and the Office's priorities. In that connection, she recalled that any changes must be approved by the General Assembly, in accordance with resolution 66/257 on progress towards an accountability system in the United Nations Secretariat.

37. **Ms. Anichina** (Russian Federation) said that the effective functioning of the system of human rights treaty bodies depended on strict adherence by those bodies to their mandates and also a willingness to

engage in constructive, mutually respectful dialogue with States parties. Unfortunately, it was not unusual for treaty bodies to deviate from their key task of assisting States in the implementation of their obligations under international human rights treaties. The concluding observations made by individual committees often exceeded their mandates, overlapped the area of competence of other committees and were tendentious in nature, based on unbalanced assessments aimed at promoting contentious concepts that were not supported by the majority of Member States. The numerous references in concluding observations to general comments were unacceptable as such comments were merely experts' opinions and could not impose any additional obligations on States, unless they were voluntarily undertaken by States. Similarly, the openness and impartiality of the work of treaty bodies were undermined by the practice of holding closed meetings with representatives of civil society during pre-session consultations.

38. Her delegation was concerned about the very limited ability of Russian civil society representatives to communicate with committee experts due to a lack of Russian-language interpretation. That situation amounted to discrimination, since it meant that only major international non-governmental organizations could participate.

39. Her delegation was prepared to continue discussion of the whole range of issues relating to the effective implementation of international human rights treaties and also the working methods of committees both with experts themselves and with other States. It believed that such dialogue would contribute to increased trust between States parties and treaty bodies, while also enhancing the work of those bodies.

40. In their work, the human rights treaty bodies must strictly adhere to the principle of international cooperation in accordance with the Vienna Declaration and Programme of Action. Cooperation was the only way to achieve progress in strengthening the promotion and protection of human rights and preventing human rights from being turned into a tool for exerting political pressure. Unfortunately, in recent times the international human rights forums had moved away from cooperation towards increasing politicization and confrontation.

41. There was still an acute need for the United Nations system to promote increased efforts to combat the escalation of contemporary forms of Nazism, racism and xenophobia. In that context, the spread of radical ideologies and of hate speech in the media and through information and communication technologies needed to be addressed by promoting tolerance and respect for traditional cultural, religious, moral and family values.

42. The Russian Federation was deeply concerned that human rights protection was losing its original meaning and becoming a way for certain States to promote their tactical interests. That trend could endanger the universality of human rights, impose narrow interpretations of human rights in the guise of universal standards, and erode the very concept of human rights.

43. **Ms. Bardaoui** (Tunisia) said that since 2011, Tunisia had sought to promote and protect human rights, and had ratified almost all of the human rights treaties and optional protocols of the United Nations, as well as other international treaties. Respect for human rights was one of the pillars of the country's new Constitution, adopted in 2014. To comply with its international human rights obligations, Tunisia had established a national human rights commission and a court for the prevention of torture, pursuant to article 17 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In addition, a number of Tunisian experts had been elected to the human rights treaty bodies.

44. Despite the challenges ahead, Tunisia was committed to making headway in areas such as security, the economy, the environment, infrastructure and development, and in building on progress made with regard to human rights. The prevalence of conflict, natural disasters, disease, drought, poverty, illiteracy and violence meant that, more than ever, there was a need to adopt a multidimensional approach to the protection of human rights. In that connection, she noted the importance of the Sustainable Development Goals.

45. **Ms. Arshad** (Pakistan) said that despite impressive achievements in mainstreaming human rights at the international level, through various covenants, protocols and mechanisms, blatant violations of human rights

continued to take place, often with a sense of impunity, and millions of people still lived in abject poverty. Human rights were interrelated and interdependent; civil and political rights were the foundation of human freedom and dignity, and the right to self-determination was a guarantor of all other human rights. The emergence of new manifestations of racial and faith-based discrimination and intolerance was very concerning. To prevent conflict among civilizations, national and international safeguards against racial discrimination and xenophobia should be strengthened and interfaith and intercultural dialogue promoted. Equal attention must be given to economic, social and cultural rights; fulfilment of the right to development would facilitate the achievement of civil and political rights.

46. Pakistan was deeply committed to protecting human rights. It had been a founding member of the Human Rights Council and was a party to all seven of the core human rights treaties. At the national level, the protection of fundamental rights was enshrined in the country's Constitution. The country had also established a national commission on human rights and a national commission on minorities. In addition, the country had passed comprehensive legislation to protect the rights of women, children and other vulnerable groups, including laws on rape, honour killings and harassment in the workplace. Steps had also been taken to empower women through reserved seats in legislative bodies, job quotas and equal access to credit and microfinance.

47. **Ms. Scott** (Namibia) said that her country had been working to implement the United Nations human rights instruments and was fulfilling its reporting obligations; OHCHR and other human rights mechanisms remained welcome in Namibia. Since its election to the Human Rights Council in 2013, Namibia had actively sought to implement and advocate policies on, inter alia, gender equality, the elimination of violence against women, the universal right to education and to health and the independence of the judiciary. Moreover, her Government had revisited legislation on contemporary forms of slavery and related practices, including trafficking in persons, especially women and children. It had worked to raise awareness of the issue and had successfully convicted perpetrators of such crimes.

48. Underdevelopment, unemployment and poor governance were often the underlying reasons for irregular migration. The right to development was therefore of critical importance. In that regard, the African Union's Agenda 2063 would enhance both governance and human rights, as it sought to promote gender equality as a fundamental human right, and the education and development of young people as a necessary foundation for a peaceful and inclusive Africa. Peace and security were also a cornerstone of sustainable economic development.

49. Namibia had achieved notable success to reducing child and maternal mortality rates. There was an important connection between human rights and programmes such as the Campaign on Accelerated Reduction of Maternal Mortality in Africa. Furthermore, her Government had operationalized Namibia's constitutional guarantee of the universal right to education through a policy of free primary and secondary education.

50. **Mr. Mehmoed** (Iraq) said that, since 2003, his country had adopted new approaches in its foreign policy that were based on respect for the rule of law, democracy, human rights and the independence of the judiciary. Within that context, Iraq had acceded to eight of the nine core international human rights instruments and signed the two Optional Protocols to the Convention on the Rights of the Child. It had also fulfilled all its reporting requirements under the universal periodic review. Its reports had been drafted in a transparent manner by committees comprising members of all relevant national authorities. Iraq had also established committees to monitor the implementation of recommendations, adopted treaty reporting guidelines, and held consultative meetings with civil society organizations to ensure their full involvement in the process of drafting reports. Additionally, the draft reports were published on websites and in official newspapers to inform and obtain feedback from relevant stakeholders.

51. Iraq believed that international conventions could not be enforced unless they were supported by robust legislation for their implementation. The 2005 Iraqi Constitution had incorporated human rights principles in 10 core articles that addressed economic, political, civil and social and cultural rights, as well as the rights of women, children and minorities. The Constitution

also provided for the independence of civil society organizations. International conventions enjoyed the same legal status in Iraq as the country's domestic legislation, and his Government had also adopted laws on human trafficking, the rights of journalists, the rights of persons with disabilities and eradicating illiteracy. Iraq had also drawn up national strategies to promote the rights and interests of women and children and had launched agricultural, industrial and economic initiatives that were all in line with the country's obligations pursuant to international instruments.

52. On 16 October 2016, the Prime Minister of Iraq had underscored that, in its campaign to liberate Ninawa governorate from the control of terrorist gangs belonging to the Islamic State in Iraq and the Levant (ISIL), Iraq would steadfastly abide by all international standards on human rights and the protection of civilians while countering terrorism.

53. **Mr. Barros Melet** (Chile) said that his Government had worked to strengthen its institutional capacity to promote human rights by establishing a human rights department within the Ministry of Justice to improve the coordination and mainstreaming of such rights in Government policies and programmes. Chile had also consistently fostered and supported the provision of a safe space for the development of civil society, which enhanced the efficacy and legitimacy of State policies.

54. The appointment of an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity was an important step towards recognizing the universality of human rights. The dignity of all peoples must be defended from violence, discrimination and exclusion to avoid the growth of extremism that dehumanized people on the basis of their race or religion or on other grounds. The vulnerability of the lesbian, gay, bisexual, transgender and intersex community in the prison system had been confirmed in the report of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

55. Chile supported the implementation of United Nations Guiding Principles on Extreme Poverty and Human Rights, as extreme poverty constituted a denial of rights and damaged social cohesion. It also supported the Guiding Principles on Business and Human Rights, and was developing a national plan on

the impact of large corporations on the enjoyment of human rights. It had launched its candidacy for the Human Rights Council for 2018-2020. In view of the growing demands being made on the Council, it was essential to increase the limited resources assigned to it and to OHCHR.

56. **Mr. Reddy** (India) said that all human rights were universal; yet civil and political rights were often highlighted at the expense of socioeconomic rights, which presented a challenge to implementation of the Vienna Declaration and Programme of Action. Sufficient resources must be allocated for the promotion, protection and fulfilment of the inalienable right to development, as a process through which all human rights were realized.

57. Despite the existence of multiple challenges to the promotion and protection of human rights, the United Nations human rights machinery was becoming increasingly politicized and selectively used, a trend most evident in the Human Rights Council. Only strict adherence to the principles of impartiality, non-selectivity and objectivity with a focus on universally recognized rights could ensure collective ownership of the human rights agenda within the United Nations system and deliver effective solutions. It was also important to respect the mandates of different mechanisms and avoid duplication of efforts.

58. A more consultative and inclusive approach was needed to identify the priorities and activities of OHCHR in order to enhance the ownership, relevance and uptake of its activities. The most effective way to address human rights challenges was through strengthening national institutions and mechanisms; the field presence of OHCHR should be based on a cooperative arrangement with the State concerned and focus on capacity-building. Intrusive monitoring was counterproductive and undermined national efforts.

59. The recommendations of the Joint Inspection Unit on the governance and management of OHCHR should be pursued in order to address longstanding issues related to its funding, staffing, transparency and accountability. The comprehensive implementation plan being developed by OHCHR for recommendations made under the universal periodic review should focus on accepted recommendations that took into account national capacities and circumstances; universality and equal treatment should continue to be the guiding

principles of the review, and tendencies to turn it into a platform for pushing selective human rights agendas must be resisted.

60. **Mr. Ajayi** (Nigeria) said that the promotion and protection of human rights was guaranteed in Nigeria's Constitution and remained one of his country's fundamental priorities. The Vienna Declaration and Programme of Action was the most comprehensive blueprint for the enjoyment of human rights; however, without collective commitment and action, neither the Declaration nor the 2030 Agenda could be achieved. Nigeria's national human rights commission and national action plan served as institutional frameworks for the monitoring and implementation of the Vienna Declaration. The action plan ensured the protection of social, cultural, economic, civil and political rights, as well as the rights of women and children and the rights to development, peace and a protected environment. Alongside national efforts, his Government supported regional and international strategies to promote and protect human rights.

61. Enjoyment of human rights was further guaranteed by the national industrial court, which heard cases affecting the civil rights of workers, particularly on matters relating to the workplace or conditions of service. Moreover, a military human rights desk had been established to address alleged human rights violations in the military and receive complaints, accusations or reports on soldiers. The desk's work had significantly reduced cases of alleged human rights abuse and had positively affected the conduct of soldiers.

62. Nigeria acknowledged the value of the universal periodic review; its universality made it unique and allowed all Member States to be assessed using the same yardsticks. His Government would continue to stress its condemnation of all forms of racism, racial discrimination, xenophobia and related intolerance. It was unacceptable that migrants and refugees continued to be subject to marginalization and stigmatization, including socioeconomic exclusion and denial of access to education and health care. Nigeria would continue to engage actively in all international human rights bodies and particularly the Human Rights Council, where it would be running for re-election.

63. **Mr. Zulu** (Zambia) said that his country remained committed to combating discrimination and

inequality, and to strengthening good governance, the rule of law and access to justice. It believed that in order to protect and promote human rights, a clear and consistent legal framework was needed, and it had established a number of institutions to address human rights issues. With a view to reforming the legal and judicial system to make it more efficient, accessible and accountable, his Government had established a legal and justice sector reforms commission, tasked with making appropriate recommendations, as well as a human rights commission to investigate human rights violations and propose measures to prevent human rights abuses. It had also established a constitutional court, a court of appeal and specialized courts to enhance citizens' access to justice and reduce the backlog of cases.

64. In 2015, Zambia had enacted a gender equity and equality act giving effect to the Convention on the Elimination of All Forms of Discrimination against Women. It had also recently held a referendum to amend the Constitution in order to revise the Bill of Rights to include civil and political rights; economic, social, cultural and environmental rights; marriage and family-related rights; and the rights of older persons, persons with disabilities and children and young people. Although the referendum results had not achieved the required threshold, his Government would continue work to ensure that those rights were included in the Bill of Rights.

65. **Ms. Bhengu** (South Africa) said that Member States should mark the fiftieth anniversaries of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights by achieving their universal ratification. The 2030 Agenda afforded an opportunity to ensure universal respect for and full realization of the right to development as an inalienable human right. South Africa fully supported the concept of the universality, indivisibility, interdependence and interrelatedness of all human rights, as encapsulated in the Vienna Declaration and Programme of Action.

66. Since 1994, South Africa had worked tirelessly to ensure the accessibility of all human rights and essential services. It had prioritized economic, social and cultural rights through its national development plan's Vision 2030 programme. South Africa placed a high premium on the progressive realization of

economic, social and cultural rights, as evidenced by its constitutional jurisprudence, which was informed by the concept of the justiciability of those rights. It looked forward to working closely with the Committee on Economic, Social and Cultural Rights to follow up on Human Rights Council resolution 4/7.

67. **Mr. Rasuli** (Afghanistan) said that growing threats of terrorism and violent extremism continued to challenge the very principles of freedom and human rights in his country. Nonetheless, in order to create a peaceful and secure society where justice and the rule of law were preserved and human rights were respected, Afghanistan had developed a national sustainable reform agenda. The agenda incorporated good governance in all sectors and was centred on the promotion and protection of human rights. At the Brussels Conference on Afghanistan in October 2016, his Government had launched a national peace and development framework which set out strategic policy priorities to achieve self-reliance. The framework underscored the urgency of reducing poverty by creating employment and addressing widespread problems such as child malnutrition, access to education and health care, food insecurity, poor sanitation, and conflict-related impoverishment.

68. The promotion and protection of human rights was one of the main pillars of Afghanistan's priority programmes, while women's economic empowerment was crucial to their successful implementation. A national action plan on implementation of Security Council resolution 1325 (2000) on women, peace and security had also been launched in late 2015. The plan aimed to increase women's active participation in the peace process and in decision-making across all sectors, especially at executive levels of the civil service, and in health care, support for survivors of sexual and domestic violence, education and employment, and protection of women and girls from all types of violence and discrimination.

69. Since the fall of the Taliban, Afghanistan had made significant progress towards realizing human rights and, as a State party to the core international human rights treaties, it had successfully submitted its reports, including under the universal periodic review. Moreover, the provisions of conventions to which Afghanistan was party had been incorporated into recent legislative acts. He called for support for

Afghanistan's candidacy for membership of the Human Rights Council, so that the country could, *inter alia*, share its experiences of promoting human rights as a country at the forefront of combating terrorism and violent extremism.

70. **Ms. Moldoisaeva** (Kyrgyzstan) said that men and women in her country had equal rights and freedoms, as well as equal opportunities to realize them. The national sustainable development strategy for the period to 2017 accorded priority to human rights and freedoms. Kyrgyzstan had acceded to eight of the nine international human rights treaties and accepted obligations under more than 40 additional United Nations conventions, a number of International Labour Organization conventions, and also the Helsinki Final Act of the Organization for Security and Cooperation in Europe. Over the years of independence, the development of civil society had been fostered, and over 10,000 non-governmental organizations were active in Kyrgyzstan. The ombudsman's office had been operating since 2002. The national centre for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, established in 2013, had unlimited access to places of detention without prior notice and issued recommendations on measures to be taken.

71. It was extremely important for human rights treaty bodies to hold constructive dialogues with States parties so that their conclusions and recommendations were in line with the specific conditions and needs of the countries involved and were truly implementable. A coordinating council on human rights had been established in Kyrgyzstan to monitor the observance of human rights and coordinate implementation of the recommendations made by treaty bodies. Kyrgyzstan actively cooperated with United Nations special rapporteurs, seven of whom had visited the country. The second universal periodic review, conducted in June 2015, had shown that Kyrgyzstan had adopted over 77 per cent of the country-specific recommendations and had completed its reporting obligations to seven United Nations treaty bodies.

72. **Ms. Nunoshiba** (Japan) said that her country had been contributing to resolving human rights issues of concern to the international community through multilateral forums and bilateral dialogues. In February 2016, Japan's combined seventh and eighth periodic

report had been considered by the Committee on the Elimination of Discrimination Against Women in a constructive and productive dialogue. Japan had introduced specific measures to create a legal framework related to women's empowerment, and had also made international efforts, such as hosting the World Assembly for Women. In June and July 2016 it had also submitted periodic reports to the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances.

73. In line with the recommendations of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, the Japanese Parliament had adopted a bill to combat hate speech in May 2016. The bill prohibited any kind of exclusion based on ethnicity or nationality, and stipulated that the national and local governments had a responsibility to combat discriminatory behaviours. Her Government would engage proactively to raise awareness of the problem of hate speech and the importance of embracing diversity with a view to establishing a society in which everyone's human rights were respected.

74. While her Government appreciated the tireless efforts and achievements of the human rights treaty bodies, it believed that their efficiency would be improved by measures such as the simplified reporting procedure. Japan welcomed the training sessions held in the Asia-Pacific region on capacity-building, which would contribute to further improving the human rights situations in each Member State.

75. **Mr. Sukhee** (Mongolia) said that in April 2016 his Government had adopted a second national plan to implement 150 recommendations submitted under the universal periodic review, with the active participation of civil society. Mongolia supported the principles of non-selectivity, universality and indivisibility of human rights and firmly believed that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue.

76. His Government was undertaking legal reforms to harmonize national legislation with international human rights standards. In addition to ratifying a number of conventions and other instruments, Parliament had passed laws in February 2016 on the rights of children, the protection of children, and the rights of disabled persons, all of which incorporated provisions of

relevant international treaties to which Mongolia had acceded. His Government's newly adopted Action Plan provided for the promotion and protection of human rights in core sectors by improving the judicial system and ensuring guarantees for human rights and freedoms.

77. **Mr. Dehghani** (Islamic Republic of Iran) said that although the right to development played a crucial role among all human rights, some countries tried to interpret that right as an individual right, rather than a collective right, even though they agreed that many civil and political rights like freedom of speech and of peaceful assembly were not only individual but also collective rights. The thirtieth anniversary of the Declaration on the Right to Development afforded an opportunity to ensure a vital enabling environment to meet the Sustainable Development Goals. His delegation wished to place on record its dissatisfaction with the use of non-consensual and highly controversial terms in the report of the United Nations High Commissioner for Human Rights; those terms could not create any precedent or commitment for Member States.

78. The Vienna Declaration and Plan of Action paid particular attention to national and regional particularities as well as the religious, historical and cultural backgrounds of Member States. It was very important for the international community to take into account religious and national particularities as well as cultural diversities in order to decelerate the growing trends of racism, racial discrimination, xenophobia and related intolerance which were threatening some societies around the world. There was an urgent need to take collective preventive action against violent extremist groups such as Islamic State in Iraq and the Levant (ISIL) that distorted Islam by committing heinous crimes against innocent people.

79. Iran hosted the Non-Aligned Movement's Centre for Human Rights and Cultural Diversity, which aimed to achieve the goals of the Tehran Declaration and Programme of Action on Human Rights and Cultural Diversity. The Centre had created a human rights forum to promote dialogue and the sharing of views on human rights issues.

80. **Mr. Muhamedjanov** (Tajikistan) said that his country guaranteed human rights and freedoms in its Constitution. It recognized the central role of the Human Rights Council in the promotion and protection

of human rights and believed that the Council should promote universal respect and protection of human rights and fundamental freedoms for all, without any distinction, on a just and equitable basis. It condemned all forms of discrimination and supported comprehensive implementation of the Durban Declaration and Programme of Action. Human trafficking was among the worst violations of human rights; greater attention should be focused on strategies to protect and rehabilitate its victims.

81. Tajikistan had received support from OHCHR in a number of areas, including the preparation of reports to United Nations treaty bodies, implementation of the State programme on human rights education, and the work of the Ombudsman for Human Rights. In addition, eight Special Rapporteurs had visited Tajikistan in the past decade. His Government was making every effort to implement the recommendations of the Universal Periodic Review of May 2016. Of the 203 recommendations received, it had approved 119 and agreed to consider another 70.

82. **Ms. Shang Chenglin** (China) said that all States parties should implement the provisions of General Assembly resolution 68/268 in a comprehensive and balanced manner and participate fully in the relevant follow-up actions. The effective implementation of the resolution depended on communication and cooperation among States parties, human rights treaty bodies and OHCHR. All actors should conduct consultations in an open, transparent and balanced manner, rather than taking a selective approach.

83. Some elements of the San José Guidelines against intimidation or reprisals referenced in the report of the 28th Meeting of Chairpersons of Human Rights Treaty Bodies were not in conformity with treaty provisions and created additional obligations for States parties. Although the original intent of the Guidelines had been to better implement human rights instruments, consultations should have been conducted with States parties and treaty bodies, and the Meeting of Chairpersons should not have taken unilateral action. The Guidelines should not be disseminated or enforced in the absence of consensus. Treaty bodies must uphold the principles of objectivity, impartiality and independence in their work and avoid overstepping their mandates.

84. China had always attached importance to the role of civil society, including non-governmental organizations, in the promotion and protection of human rights. It believed that non-governmental organizations must comply with United Nations rules if they wished to participate in the activities of treaty bodies. Those bodies should attach importance to documents submitted by governments of States parties and must screen documents submitted by other organizations and individuals to ensure their accuracy and reliability.

85. Her Government conscientiously fulfilled its treaty obligations and maintained good communications with all human rights treaty bodies. In November 2015, China had given the Committee Against Torture a comprehensive presentation on its progress in implementing the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Her Government conscientiously implemented its treaty obligations and had maintained good communications with all human rights treaty bodies.

86. **Ms. Soulama** (Burkina Faso) said that Burkina Faso had acceded to almost all the international and regional instruments for the protection of human rights and was strengthening its legislation guaranteeing collective and individual rights. Her Government was implementing a number of policy documents including the National Economic and Social Development Plan, the adoption of which had demonstrated the country's commitment to making human rights central to its development policy. National policies on human rights and promotion of civic responsibility and on justice had also been adopted to consolidate the rule of law and enhance the effectiveness of human rights in the service of peace and sustainable development.

87. Burkina Faso had fulfilled its commitments under international human rights instruments, having submitted a number of reports to treaty bodies and as part of the Universal Periodic Review. Her Government was now working on ensuring that all citizens could enjoy their human rights without discrimination, and had signed cooperation agreements on human rights with neighbouring countries to benefit from their experience.

88. **Mr. Momen** (Bangladesh) said that his country had signed, ratified or acceded to almost all the key human rights instruments and was fulfilling its obligations to treaty bodies and submitting reports regularly. Constitutional and statutory laws protected

fundamental freedoms and human rights, with special laws ensuring the rights of women, children, minorities and other vulnerable groups. The National Human Rights Commission had begun operating in September 2008 to promote and protect the human rights of Bangladeshi citizens independently. Following the successful completion of the second Universal Periodic Review in 2013, Bangladesh had readily accepted 164 of the 196 recommendations made.

89. Bangladesh urged the United Nations to play its part in protecting the human rights of all migrants in accordance with the New York Declaration for Refugees and Migrants; all countries should commit to protect the safety, dignity, human rights and fundamental freedoms of all migrants, regardless of their migratory status. His Government believed that the human person was the central subject of development and should be an active participant and beneficiary of the right to development. Bangladesh also affirmed its commitment to ensuring the human rights and freedoms of all persons with disabilities.

90. **Ms. Horbachova** (Ukraine) said that her delegation reaffirmed its commitment to the promotion and protection of human rights and fundamental freedoms in compliance with existing international standards, which were the cornerstone of reforms currently being implemented in Ukraine as an essential component of its European integration. An important part of that process was the implementation of the national strategy for human rights and an action plan up to 2020.

91. Effective monitoring by international and regional human rights mechanisms and the provision of objective information to the international community about the real human rights situation in Ukraine was of crucial importance in view of the ongoing Russian aggression. Such monitoring was a very efficient instrument to record violations of human rights and international humanitarian law perpetrated by the occupying forces in Crimea, as well as crimes committed by the regular Russian army and illegal Russian-controlled armed groups in the Donetsk and Lugansk regions.

92. Ukraine was implementing the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a matter of priority, and, during the visit to Ukraine of the Subcommittee on Prevention of Torture and other

Cruel, Inhuman or Degrading Treatment or Punishment, it had granted unrestricted access to any location the delegation wished to inspect. Over 10 years earlier, Ukraine had extended a standing invitation for all special procedures to visit the country.

93. Ukraine was cooperating closely with the OHCHR and its monitoring mission, which contributed significantly to impartial reporting to the world community about the human rights situation. International scrutiny of the occupied territories in the east of the country and in Crimea remained an open issue within the mission's mandate; her delegation expected the human rights situation in the illegally occupied Autonomous Republic of Crimea and the city of Sevastopol to be documented in a future OHCHR thematic report.

94. **Ms. Chand** (Fiji) said that her Government had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in March 2016 and had identified areas for its implementation. Priorities included the reform of police interrogation procedures through video recording of police statements, ensuring an effective right to counsel, and the establishment of a protocol for rules of admissibility approved by the judiciary. A pilot scheme for the First Hour project, which would ensure the presence of a solicitor within the first hour of custody to explain the right to counsel, would start in November 2016 and was being supported by the European Union's Access to Justice project. A trial project on video recording of police statements was being undertaken, following training of police officers supported by the United Nations Development Programme and the British High Commission.

95. Her Government's efforts to implement the reforms already underway had been showcased at a side event of the thirty-third session of the Human Rights Council, at which the Fiji Police, Legal Aid Commission, Director of Public Prosecutions and Chief Justice had given a presentation. The Chief Justice was currently working on a draft guideline for judges and prosecutors on the requirements for admitting videotaped statements. Discussions were currently ongoing about defining torture as a new offence, reviews of police and corrections manuals, and the upgrading of cell facilities in all police stations.

96. **Ms. Goldrick** (Nicaragua) said that her Government guaranteed the full enjoyment of all human rights for all Nicaraguans, including indigenous populations, persons with disabilities, women and girls, and migrants, through its policy of restitution of rights incorporated in the National Human Development Plan, which aimed to improve living conditions and promote economic growth, employment and poverty reduction. In order to fully achieve human rights for all, the right to development must be guaranteed, requiring developed countries to meet their commitment to spend 0.7 per cent of their gross national product on official development assistance, and to ensure new and predictable financial resources, transfer of technology and capacity-building, debt alleviation and restructuring and greater participation of developing countries in global economic governance.

97. Her Government was working on a comprehensive draft law to help prevent violence against women and improve access to justice for victims of domestic and sexual violence. It had improved conditions in prisons, providing inmates with better study facilities and options for academic study and career development.

98. Nicaragua had signed all the international human rights instruments and abided by its commitments and reporting requirements. It respected international law and the equality of States, and therefore did not accept unilateral measures or partial lists directed against specific countries.

The meeting rose at 6 p.m.